IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

CRP.No. 2240 of 2000(I)

RCA.102/1996 of D.C. & SESSIONS COURT,KOZHIKODE
RCP.56/1993 of ADDL.M.C.,KOZHIKODE-I
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REVN. PETITIONER/APPELLANT/PETITIONER:

A.V.SAINABI, AGED 59 YEARS, W/O.KALARIKKAL ABOOBACKER, AMBALATH VEETTIL, KALATHINKUNNU AMSOM AND DESOM OF KOZHIKODE TALUK.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI
SRI.T.K.AJITH KUMAR

RESPONDENTS/RESPONDENTS/RESPONDENTS:

1.P.M.SEKHARAN,S/O.APPU,AGED 66 YEARS, (DIED), RESIDING AT KATCHERI AMSOM AND DESOM, KOZHIKODE TALUK.

2.GOPALAN K., AGED 57 YEARS,S/O.APPU, DO. DO.

3.NIRMALA SEKHARAN, W/O.SEKHARAN, DO. DO.

4.RANJITH KUMAR,S/O. LATE SEKHARAN, DO. DO.

5.BIJITH MOHAN, D/O. LATE SEKHARAN, DO. DO.

6.SAJIDH,S/O. LATE SEKHARAN, DO. DO.

7.PUSHPA,D/O.LATE SEKHARAN, DO. DO.

8.SOBHA, D/O. LATE SEKHARAN, DO. DO.

ADDL.RESPONDENTS 9 TO 13:

9.JAYARAJAN,S/O.LATE GOPALAN, KARUVALAPPIL, (P.O.) VENGERI, KOZHIKODE.

10.BABURAJ, DO. DO.

11.MURALIDHARAN, DO. DO.

12.SINDHU, DO. DO.

13.SAVITHRI, W/O. DO. DO.

DEATH OF THE SECOND RESPONDENT IS RECORDED. ADDITIONAL RESPONDENTS 9 TO 13 ARE IMPLEADED AS THE LEGAL REPRESENTATIVES OF THE DECEASED 2ND RESPONDENT VIDE ORDER DATED 2.6.2004 ON I.A.355/2004 IN C.R.P.2240/2000.

BY ADV. SRI.P.V.KUNHIKRISHNAN FOR R1 TO R5 AND R9 TO R13

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

C.R.P.NO.2240 OF 2000 ()

Dated this the 12th day of July, 2007

O R D E R

KOSHY,J.

This revision petition is filed by the landlord as early as in 2000. So far petitioner was not able to serve notice to respondents 6 and 8. Other respondent accepted notice. Rent Control petition was filed in 1993. About $1^{1}/_{2}$ decades are over. Subsequent events also have occurred. It is the allegation of the petitioner that 1st respondent subleased the premises to the 2nd and according to him, 2nd respondent also subleased the building and he passed away. In view of the circumstances of the case, we are of the opinion that this petition can be dismissed without prejudice to the right of the landlord in filing a fresh petition, taking all the grounds available to him at the time of filing the petition and dismissal of the petition shall not be a bar in considering the petition in all respects.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

C.R.P.NO.2240 OF 2000 ()

J U D G M E N T

12th July, 2007